IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

WP(C).No. 5415 of 2007(T)

PETITIONER:

SURENDRAN, AGED 77 YEARS,
S/O.KOCHAYYAPPAN, KOONCHIRAVAYALIL,
KAKKAMANGALAM VILLAGE, MAVELIKKARA,
ALAPPUZHA.

BY ADV. SRI.R.PADMAKUMAR
SRI.R.T.PRADEEP

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
PEINCIPAL SECRETARY, DEPARTMENT OF HOME,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KERALA STATE HUMAN RIGHTS
COMMISSION, THIRUVANANTHAPURAM.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.5415 of 2007

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Dated this the 19th day of February, 2007.

JUDGMENT

Alleging that the petitioner was arrested on 28-11-2005 and kept in custody for more than 15 hours and then produced before the Judicial Magistrate of the First Class, Mavelikkara, who released him on bail and also alleging that the police registered a case against him, which was wholly groundless and the Magistrate therefore discharged him, the petitioner moved the Human Rights Commission for indulgence to make certain orders and necessary action. The Human Rights Commission obtained the report through the Superintendent of Police, Alappuzha and found that on the day in question, which incidentally was 27-11-2005 and not 28-11-2005, as alleged by the petitioner, there was picketing of the Mavelikkara Taluk Office by the CPI-M workers. It was also noticed that the petitioner, who was the 18th accused did not appear on summons and the court issued warrant against him and he was arrested by the Sub Inspector of Police,

Mavelikkara and produced him in court. He was released on bail on the same day and on his application, he was discharged from the charge on 20-12-2005.

2. The Human Rights Commission came to the conclusion that the petitioner was not kept under illegal custody. I may at once notice that, it was on 27-11-2005 that, the petitioner was arrested and produced before the Magistrate. He was granted bail on the same day. On 20-12-2005, he was discharged following the order passed by the Magistrate on C.M.P.No.10907(A)/2005. If it was his case that he was detained for more than the statutory period after his arrest following the warrant and that he is an active political worker of Congress party and a senior citizen, he could have mentioned the same before the Magistrate before whom he was produced. He had no case that he did so. The mere registering of a case, even assuming that the allegations against him are false, would not, by itself, constitute a situation of human rights violation.

In the aforesaid circumstances, I do not find any ground to interfere with the decision of the Human Rights Commission, more so because, the quality of jurisdiction, being exercised by that authority, does not warrant a judicial review under normal circumstances. Writ Petition fails. It is accordingly dismissed.

Thottathil B.Radhakrishnan,
Judge.

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